(76)

PROVISIONAL
For participants only

CERD/C/SR.946/Add.2
11 August 1992

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-first session

PROVISIONAL SUMMARY RECORD OF THE THIRD PART (PUBLIC)*
OF THE 946th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 7 August 1992, at 11.10 a.m.

Chairman: Mr. VALENCIA RODRIGUEZ

CONTENTS

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (continued)

Ninth and tenth periodic reports of Yemen

---

* The summary records of the first part (public) and the second part (closed) of the meeting appear as documents CERD/C/SR.946 and CERD/C/SR.946/Add.1 respectively.

Corrections to this record should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

GE.92-17009/0346K

The meeting was called to order at 11.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7) (continued)

Ninth and tenth periodic reports of Yemen (CERD/C/209/Add.2)

At the invitation of the Chairman, Mr. Mokbil (Yemen) took a place at the Committee table.

Mr. MOKBIL (Yemen), introducing his country's reports, submitted in a single document, said they clearly indicated that social or racial discrimination played no part in the life of the Yemeni people, which had a single ethnic origin and had for 14 centuries clung to the tolerant teachings of Islam in respect of relations between races. That tradition had survived fragmentation and colonialism, and had gained new impetus in the decades since independence. Prior to unification, the two Yemeni States had signed and ratified numerous international human rights instruments, including the Convention which was the subject of the Committee's mandate.

The unified Republic of Yemen had assumed the international obligations previously entered into by the two predecessor States. It was a country in which access to justice and to public services such as health and education was guaranteed to all, and which actively promoted friendly relations with other peoples and non-discrimination. Freedom of the press was assured, and democratically established political parties would be participating in a general election to be held in November 1992.

Mrs. SADIQ ALI, country rapporteur, said that the end of the artificial division of Yemen was a welcome development, although the process of unification, particularly in such fields as education and labour, might take some time. The new Parliament to be elected in November 1992 would be empowered to draft a new Constitution, and it was to be hoped that information on the sections giving effect to the provisions of the Convention would be supplied to the Committee in the next report. The Committee would also wish to know whether the Convention would prevail over domestic law, whether it could be invoked before the courts and administrative authorities, and whether its provisions could be enforced by those bodies. Was the judiciary autonomous, and did judges have security of tenure?

The Committee would also expect to receive information on the demographic composition of Yemen. Attention might be drawn to the fact that, while almost all of the once substantial Jewish population had emigrated, between 1,000 and 1,500 Jews remained, mostly scattered in the northern rural areas. In addition, there were foreign Christians and a Christian community of Indian origin in Aden, as well as Hindus. Yemenis of African origin lived along the Red Sea coast, and there were several other minority groups. The Committee would welcome information on the tribal and nomadic affiliations which had existed before independence and which might still persist.

The interim Constitution prohibited any discrimination based on sex, colour, origin, language, occupation, social status or religious belief, and there was no indication that agitation against minorities was inspired or condoned by the Government. Yemen was a secular democracy, and if discrimination occurred, it was largely a result of age-old prejudices at the community level. For example, the small Jewish community did suffer from discrimination and was fearful of persecution by extremist Muslim groups. She would like to know how the Government intended to fulfil its responsibility to protect the civil rights of that community.

Similarly, Yemeni citizens with a non-Yemeni parent faced both institutionalized and informal discrimination, as did the descendants of former slaves. In that connection, the Committee would like to receive information on laws or regulations amending or rescinding discriminatory legislation.

The Committee would also wish to know what special programmes had been undertaken to improve the socio-economic situation of persons belonging to tribes and whether it was intended to eliminate habits and customs, such as blood feuds and collective punishment, which had kept them backward.

Prohibition of discrimination carried out by private individuals or groups and encouragement of integrationist multiracial organizations and movements were means of eliminating barriers between races, as was affirmed in article 2 (d) and (e), and she inquired whether any action was envisaged to implement that provision of the Convention.

It was to be hoped that the next report would furnish information on all aspects of article 2, which covered measures taken in the legislative, judicial and administrative areas. The obligations arising under article 3 seemed to have been duly complied with.

With regard to article 4, it was stated that up to the time of the preparation of the report, no offences punishable under that article had been committed, nor were they likely to be committed in the Republic of Yemen, which prohibited all manifestations of racial discrimination. However, the examples she had quoted showed that there were indeed cases of such discrimination in Yemen and hence it was essential that article 4 should be implemented. In fact, compliance with the article was compulsory for States parties.

Where the implementation of article 5 was concerned, the report stated that the law in Yemen guaranteed equal treatment before the tribunals and all other organizations administering justice. Information was, however, needed on whether the lower courts had been merged, whether the former court systems continued to function in the respective halves of the country, and what was the position of divisional and provincial courts.

Yemen was to be congratulated on the introduction of multi-party democracy and the wide range of civil rights guaranteed to all, without distinction as to race, colour, descent or national or ethnic origin. The report stated that more than 1 million Yemen migrants had recently returned to the country. She inquired whether there was a possibility of their leaving the country once again and what their situation had been on returning to Yemen. Yemen should be commended for accepting some 10,000 refugees from civil wars in Somalia and Ethiopia. She inquired whether article 3 of the 1951 Convention relating to the Status of Refugees, which required the Contracting States to apply the instrument without discrimination as to race, religion or country of origin was being applied to the refugees, and whether identity papers had been issued to all refugees.

With regard to article 6, it had been stated that no case or complaint involving racial discrimination had been brought before tribunals by any individual or group of persons. However, examination of the situation prevailing in Yemen showed that there were indeed examples of informal and institutionalized discrimination and it was possible that the existence of such a remedy was not widely known.

Article 7 of the Convention stressed the need to improve the quality of teaching, education, culture and information to combat prejudices which led to racial discrimination. She asked what legislative and administrative measures had been taken in that sphere. She would like to know whether teacher-training

programmes and programmes for other professionals, magistrates and the police included subjects that would help promote a knowledge of human rights issues and engender better understanding, tolerance and friendship among nations and racial or ethnic groups. Were children taught about the purposes and principles of the Charter of the United Nations, and other international instruments? Information would also be useful on the roles of institutions or associations working to combat racial prejudice and to promote understanding and harmony among nations and racial or ethnic groups. It should also be indicated whether Yemen was willing to make a declaration under article 14.

Mr. WOLFRUM recognized that Yemen had the most liberal economic and political system in the region. It was to be commended for its wealth of political parties and for its willingness to help refugees despite its economic problems. He was, however, concerned that the penal code did not reflect the provisions of article 4 of the Convention. The article was not intended to be implemented only when discrimination actually manifested itself; it was also intended to help prevent such a development.

Mr. ABOUL-NASR said that it was impossible to take a case of discrimination to court unless the act concerned was covered by a provision of the penal code. With regard to education, he did not believe that Yemen was violating human rights by giving priority to citizens in regard to admission to the free school system and university. Many other countries had the same regulations. He requested information on problems and disputes between tribes and measures taken to resolve them. With regard to the Jewish population, he considered that they were Yemenis, but of the Jewish faith.

Mr. de GOUTTES said that the report of Yemen had been drafted in accordance with the Committee's guidelines. However, with regard to the statement in paragraphs 17 and 30 that no offences punishable under the provisions of article 4 had been committed, the Committee should express its reservations on and refusal to accept statements of that kind. The section in the report dealing with article 5 provided general information on legislation covering public freedoms, but it did not deal with racial discrimination, and the information provided would have been of more interest to the Human Rights Committee.

Mr. SHAHI asked whether the 100,000 persons of Indian origin resided permanently in Yemen, whether they were considered as citizens or aliens, and if the former, whether they enjoyed the same rights as Yemeni citizens.

Mr. MOKBIL (Republic of Yemen) said that, due to the changes which had taken place in Yemen, the facts given in the report did not always reflect the most recent developments, and the Committee's interpretation of the situation might sometimes be based on a misunderstanding. Unification had meant that economic, social, cultural and judicial arrangements had had to be reviewed and the most positive aspects of both systems had been combined. The interim Constitution was a great achievement and had ensured a period of stability and progress. It had also ensured that the Convention and its principles were reflected in legislation. For example, political parties had been set up without any discrimination on ethnic or racial grounds. The same laws applied to all.

Members of the various tribes in the country were now considered as Yemenis, and no distinction was made between them. For example, efforts had been made to bring education and health services to the Bedouin, with the result that many had now settled down and no longer led a nomadic existence. The only difference between tribal groups lay in their occupations, so that, for example, coastal peoples lived by fishing, and groups in the interior by farming. In reply to the question on the treatment of minorities, he said that there were no minorities in Yemen, since all were considered as Yemeni citizens. Regarding appointments to posts in the civil service, members of the Presidential Council, the supreme governing body of the State, were required to be of Yemeni parentage, but at all other levels - including ministerial level - no such restriction operated, and the same was true of appointments to posts in universities and in the armed forces.

The independence of the judiciary in Yemen was guaranteed under article 22 of the interim Constitution. Inhumane treatment of prisoners was prohibited, and no one could be held in detention without charge for more than 24 hours. Since the Constitution was to a large extent based on the precepts of the shariah, capital punishment was permitted: he was not able to say how often it had been resorted to in recent years.

On the question of treatment of refugees, he pointed out that over 1 million Yemeni citizens had recently returned to their country from the Gulf area, and all had been absorbed and provided with housing, health care and education. In addition, Yemen had taken in 50,000 Somali refugees as

well as refugees from Eritrea and Ethiopia. The treatment accorded them was in conformity with the provisions of the 1951 Convention relating to the Status of Refugees.

On employment, the right to work was guaranteed under the Constitution, and recent legislation made provision for social security benefits and medical insurance schemes. Citizens enjoyed the right to form trade unions, as well as the right to strike.

Where article 4 of the Convention was concerned, the report devoted relatively little space to measures taken to eradicate incitement to, or acts of, discrimination. However, he wished to stress that no such incitement or acts had been known to occur throughout the history of Yemen, and that as a result there had been no need to bring complaints of racism or racial discrimination before the courts. Nor had there been need to ban organizations which promoted racial discrimination, as required under paragraph (b) of the article, since no such organizations had ever existed. Racial discrimination was strongly condemned not only in the country's schools and educational institutions but also in the press and mass media.

Schooling in the country was compulsory, and free of charge up to secondary level, although there were also private schools for those who wished their children to be educated in a foreign language. A determined campaign was being waged to wipe out illiteracy. Great emphasis was placed on teaching children to respect and value the culture of other countries and peoples, and the Universal Declaration of Human Rights formed part of the school curriculum. Human Rights Day was regularly celebrated, and was used to instil awareness of the abhorrent nature of racial discrimination.

On the question whether citizens of Yemen were allowed to submit communications to the Committee under article 14 of the Convention, he said that there was no ban on submitting such communications, but since no racial discrimination existed in the country, there was no need for them. In reply to a further question, Yemen had 35 political parties and 110 newspapers. He would convey to his country's authorities the comments of members of the Committee on Yemen's penal code.

The newly formed Republic of Yemen was successfully tackling the problem of tribal conflicts. Under the British administration, South Yemen had been divided into 15 separate sheikhdoms and, as a result, tribal conflicts had been common. That situation had persisted for some 30 years, but now matters

were greatly improved. Although there were still some nomadic tribes in the rural areas, most were now settled, had received an education and were contributing to the social and economic life of the country. Isolated cases of tribal vendettas still occasionally occurred, but they were rare.

A question had been asked concerning treatment of Yemeni Jews. Many of them had left the country, but those who remained suffered from no discrimination of any kind. The same was true of the 100,000 persons of alien origin in the country.

Finally, in reply to the question as to whether the Islamic shariah provided sufficient guarantees of the rights listed under article 5 of the Convention, he pointed out that the country's Constitution and legislation were not based solely on the precepts of the shariah but also on other principles. That ensured that all the rights provided for under the Convention were given sufficient protection.

Mr. YUTZIS said that article 4 of the Convention was of great importance, in that it listed a number of very specific measures to be adopted by States parties with a view to preventing racial discrimination. He pointed out that unless a State party had entered a reservation to that article at the time of acceding to the Convention, it was under an obligation to adopt all the measures listed.

He noted that in paragraph 34 of the report, as well as in other paragraphs, stress was laid on measures taken to inspire young people with a spirit of friendship towards peoples and opposition to all forms of sectarianism. In paragraph 41, paragraph 2, however, it was stated that secondary education was designed to train the younger generation to "venerate the values and ideals of the Islamic and Arab nations". Was it not important that young people should also be taught to venerate the values of other cultures and religious faiths?

Mrs. SADIQ ALI, country rapporteur, thanked the representative of Yemen for the very full replies he had given to questions raised. She wished only to request that, if Yemen's Constitution was to be amended by the new Assembly, the Committee should be provided with the text of any of its provisions that were relevant to the Convention. She was interested to hear that the representative of Yemen would be referring articles 4 and 14 of the Convention to his country's authorities.

Mr. ABOUL-NASR said he would like to inform Mr. Yutzis that the values of Islam included, by definition, recognition and respect for the values of other religions, to the extent that believers in other religious faiths were specifically included in Islamic prayers.

Mr. Mokbil (Yemen) withdrew.

The meeting rose at 1.10 p.m.